

Services Coverage Act of 2003 will enhance the Medicare program by providing coverage of pharmacists' medication therapy management services for those beneficiaries at risk for potential medication problems due to the presence of multiple or complex chronic diseases. These services, which are coordinated in direct collaboration with physicians and other health care professionals, help patients make the best possible use of their medications.

The members of this body know very well the vital role that today's powerful and effective medications play in the maintenance of health and well-being of our Nation's seniors. The substantial and important discussion now underway on how best to craft and implement a prescription drug benefit for Medicare beneficiaries is an explicit recognition of this vital role. But access to the medications, even at the most affordable prices possible, is only one part of the solution to achieving the kinds of health care outcomes that patients and their health care providers desire. That is where today's pharmacists play a pivotal role.

In addition to the important and continuing responsibility for assuring accurate, safe medication dispensing and counseling services, pharmacists now provide many direct patient care, consultative, and educational services. Forty states, the Veterans Administration, and the Indian Health Service, among others, all recognize the value of collaborative medication therapy management services as a way to provide optimal patient care using the specialized education and training of pharmacists. In addition, several state Medicaid programs have active demonstration projects or waiver programs in place that deliver these important services to their citizens.

More specifically, in its June 2002 report to the Congress, the Medicare Payment Advisory Commission noted that it "sees potential for a Medicare drug therapy management benefit to facilitate access to an important health care service for some beneficiaries" and recommended to Congress that the Secretary of Health and Human Services "... assess models for collaborative drug therapy management services in outpatient settings." This is a very important recommendation, because there is no more vulnerable group than our Nation's seniors when it comes to the potential for medication-related problems and the presence of multiple chronic diseases. If other health care systems and programs provide such services, Medicare must be reformed to provide them as well. Indeed, Medicare should be the leader in this regard.

The pharmacist's specialized training in medication therapy management has been demonstrated repeatedly to improve the quality of care patients receive and to control health care costs associated with medication complications. As an essential infrastructure component of any type of Medicare

prescription drug benefit, it makes sense to take this proven initial step to improve the medication use process for our seniors. This will serve all Medicare beneficiaries by ensuring that each precious dollar, regardless of who is paying the "bills for the pills," is spent wisely on a safe and effective medication regimen. This is a benefit that we can all support and deliver now, as we work to also resolve the economic and political challenges in crafting a truly effective and affordable prescription drug benefit.

Because pharmacists improve the efficacy and cost-effectiveness of medication regimens and reduce medication-related problems and adverse effects, the addition of their services represents real value and enhances the prospects of achieving both an affordable Medicare drug benefit and improved health outcomes for Medicare beneficiaries. In fact, numerous studies over the past decade have demonstrated returns on investments of up to \$17.00 for every single dollar invested in the provision of pharmacists' clinical and patient care services.

Our legislation provides a logical and very affordable first step in establishing the essential infrastructure of a Medicare prescription drug benefit. As the 1999 Institute of Medicine report "To Err is Human: Building a Safer Health System" stated:

Because of the immense variety and complexity of medications now available, it is impossible for nurses and doctors to keep up with all of the information required for safe medication use. The pharmacist has become an essential resource . . . and thus access to his or her expertise must be possible at all times.

Our legislation will assure that the Medicare program leads, rather than follows, on this important health care quality issue. Pharmacists' collaborative medication therapy management services can and will make a real difference in the lives of Medicare beneficiaries. I urge my colleagues on both sides of the aisle to give this proposal their very serious consideration.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 171—RECOGNIZING THAT THE SAN ANTONIO SPURS ARE THE 2002-2003 NATIONAL BASKETBALL ASSOCIATION CHAMPIONS AND CONGRATULATING THE TEAM FOR ITS OUTSTANDING EXCELLENCE, DISCIPLINE, AND DOMINANCE**

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 171

Whereas the San Antonio Spurs are the undisputed 2002-2003 National Basketball Association champions and thus the basketball champions of the world;

Whereas the San Antonio Spurs are one of America's preeminent sports franchises and have now won their second NBA Championship in 5 years;

Whereas this exceptionally gifted team is guided by Greg Popovich, one of the most successful coaches in the last decade of professional basketball, who has now led the San Antonio Spurs to NBA championships twice in the last 5 years, who was named the winner of the Red Auerbach Trophy as the NBA Coach of the Year for the 2002-2003 season, and who is the first Spurs coach in franchise history to earn the Auerbach Trophy;

Whereas the San Antonio Spurs National Basketball Association championship was characterized by a remarkable team effort, led by the series' Most Valuable Player, Tim Duncan;

Whereas it is appropriate and fitting to congratulate David Robinson, who will now retire after 14 years with the San Antonio Spurs; and

Whereas it is appropriate and fitting to now offer these athletes, their coaches, and the great fans of the City of San Antonio and Bexar County, Texas, the attention and accolades they have earned: Now, therefore, be it

*Resolved*, That the Senate congratulates the entire 2002-2003 San Antonio Spurs team and its coach Greg Popovich for their remarkable achievement, and their excellence, discipline, and dominance.

#### AMENDMENTS SUBMITTED & PROPOSED

**SA 927.** Mr. EDWARDS (for himself, Mr. HARKIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1, to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes; which was ordered to lie on the table.

**SA 928.** Mr. CORNYN (for Mr. CRAPO) proposed an amendment to the bill S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho.

#### TEXT OF AMENDMENTS

**SA 927.** Mr. EDWARDS (for himself, Mr. HARKIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 1, to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"MINIMUM STANDARDS FOR ELIGIBLE ENTITIES

"SEC. 1860 . (a) IN GENERAL.—The Secretary shall not award a contract to an eligible entity under this part unless the Secretary finds that the eligible entity agrees to comply with such terms and conditions as the Secretary shall specify, including the following:

"( ) DISCLOSURE REQUIREMENTS:

"(a) ACCESS TO NEGOTIATED PRICES.—

"DISCLOSURE.—The eligible entity shall disclose to the Administrator (at the time of bid submission under section 1860F and annually thereafter for the duration of the contract, in a manner specified by the Administrator) all discounts or rebates or other remuneration of price concessions made available to the eligible entity or an agent thereof by any source. The provisions of section

1927(b)(3)(D) shall apply to information disclosed to the Administrator under this paragraph. The annual disclosure to the Administrator shall include, but shall not be limited to—

“(A) the value, nature, and amount of any rebate, discount, price concession or other form of direct or indirect remuneration provided to the eligible entity, or any agent thereof (such as formulary access fees, formulary market share movement fees, pharmacy and therapeutic fees, disease or patient management programs, administrative fees, data processing fees, direct or indirect educational grants, mail order supplier fees, or other forms of remuneration or compensation) during the preceding calendar year by a drug manufacturer, packer, distributor, pharmacy or other entity; and

“(B) sufficient financial information to allow the Administrator to publish annually specific information on the total amount of discounts, price concessions or other remuneration passed through to enrollees, as well as the total revenues, operating costs and net profit (expressed both in dollar and percentage terms) of the eligible entity for each regional contract.

“(b) Eligible entities shall report the same information to the General Accounting Office, which is directed to report annually to Congress on the status of the value, nature, and amount of any rebate, discount, price concession or other form of direct or indirect remuneration provided to the eligible entity, or any agent thereof.

“(c) AUDITS AND REPORTS.—To protect against fraud and abuse and to ensure proper disclosures and accounting, the Administrator shall on an annual basis audit the financial statements and records of the eligible entity or organization. Notwithstanding the provisions of section 1927(b)(3)(D), for each contract with an eligible entity the Administrator shall publicly report the aggregate results of such audits, as well as the disclosures made in subparagraph (d)(2)(B) of this section

“(2) USE OF REBATED FUNDS TO REDUCE COSTS TO BENEFICIARIES.—

“(A) The eligible entity agrees to allocate funds provided to the entity or retained by the entity from a rebate, discount, other reduction in price or a return of an overpayment in the amount it is required to tender to acquire covered pharmaceuticals as defined in Sec. 1860 — so that the amount paid by the participating beneficiary or its predecessor in interest to obtain covered pharmaceuticals is reduced in a proportion that is equal to not less than half of the rebated, discounted, refunded, or otherwise retained amount and that the rebate, discount, other reduction in price or retained amount be applied to the covered pharmaceutical class, category, active ingredient, or other combination thereof for which the rebate, discount, other reduction in price or retained amount was provided or otherwise made available by the manufacturer, distributor, or other party in interest.

“(a) FAILURE TO COMPLY OR PROVISION OF FALSE INFORMATION.—Any eligible entity that enters into a contract under this part that knowingly fails to comply with the terms and conditions of this section or that knowingly provides false information related to the terms and conditions of this section is subject to a civil money penalty in an amount not to exceed \$100,000 for each instance in which funds described in section (A) were not allocated in the prescribed manner or where the eligible entity knowingly provides false information related to actions required pursuant to section (A). Such civil money penalties are in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than sub-

sections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).”.

**SA 928.** Mr. CORNYN (for Mr. CRAPO) proposed an amendment to the bill S. 520, to authorize the Secretary of the Interior to convey certain facilities to the Fremont-Madison Irrigation District in the State of Idaho; as follows:

On page 2, lines 14 and 15, strike “(Contract No. 1425-0901-09MA-0910-093310)” and insert “(Contract No. 1425-01-MA-10-3310)”.

On page 3, line 10, strike “No. 1425-0901-09MA-0910-093310” and insert “No. 1425-01-MA-10-3310”.

On page 4, lines 1 and 2, strike “1425-0901-09MA-0910-093310” and insert “1425-01-MA-10-3310”.

On page 4, line 6, strike “7-0907-0910-090W0179” and insert “7-07-10-W0179”.

#### NOTICES OF HEARINGS/MEETINGS

##### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. DOMENICI. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a meeting on June 18, 2003 in SR-328A at 9 a.m. The purpose of this meeting will be to discuss the nomination of Thomas Dorr to be Under Secretary of Agriculture for Rural Development.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, June 24, at 10 a.m. in Room SD-366 of the Dirksen Senate Office Building.

This is the first in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

The purpose of this first hearing is to evaluate changes over time in the relationship between the Department of Energy and its predecessors and contractors operating DOE laboratories and sites to determine if these changes have affected the ability of scientists and engineers to respond to national missions.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

#### PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that privileges of the floor be granted during the consid-

eration of this legislation to Stacey Sachs, Debra Whitman, Jennifer Loukissas, David Dorsey, Prema Arasu, and Eric Sapp.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that a member of my staff, Alan Fishman, and my legislative fellow, Dr. Jon Tilburt, be granted the privilege of the floor during debate on S.1, the Prescription Drug and Medicare Improvement Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the following staff members be allowed on the Senate floor for the duration of the debate on the Prescription Drug and Medicare Improvement Act of 2003: Nicholas J. Podsiadly, Collen Haddow, and Molly Zito.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Thad Kousser, a legislative fellow in my office, be granted floor privileges for the duration of the debate on Medicare reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNIZING THAT THE SAN ANTONIO SPURS ARE THE 2002-2003 NATIONAL BASKETBALL ASSOCIATION CHAMPIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 171, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A bill (S. Res. 171) recognizing that the San Antonio Spurs are the 2002-2003 National Basketball Association champions and congratulating the team for its outstanding excellence, discipline, and dominance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CORNYN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 171) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 171

Whereas the San Antonio Spurs are the undisputed 2002-2003 National Basketball Association champions and thus the basketball champions of the world;

Whereas the San Antonio Spurs are one of America's preeminent sports franchises and have now won their second NBA Championship in 5 years;